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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,168	03/27/2002	Olivier Marce	Q69109	9700

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EXAMINER	
SONI, DEEPAK H	
ART UNIT	**PAPER NUMBER**
2668	

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/089,168	MARCE, OLIVIER	
	Examiner	Art Unit	
	Deepak Soni	2668	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 March 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 9 and 12 are rejected under 35 U.S.C. 102(e) (1) as being anticipated by Harris et al. (U.S. 5,802,058). The Harris et al. reference teaches all of the limitations of the listed claims with reasoning that follows.

Regarding claim 1, 9 and 12, "setting up a call matching a predetermined set of requested services and/or characteristics over a network which may optionally be a composite and multi-component network (anticipated by Figure 1, Zone 8 & Zone 9), the method being characterized in that it consists in subdividing said network into a plurality of domains (D1 to DM) (is anticipated by Zone 8 & Zone 9), with a negotiator unit (Ni) (is anticipated by Figure 1, element 10 and 11) being associated with each domain (Di) (is anticipated Figure 1, Zone 8 and Zone 9); in sending to at least one negotiator unit (Ni) a request for setting up a call together with a set of parameters defining the services and/or

characteristics associated with the call to be set up; and, where appropriate, in setting up said call after determining appropriate available resources (Ri) (Figure 1, element 19 and 20) in the various domains (Di) concerned and selecting those resources (Ri) that provide the best possible match with said set of services and/or characteristics" is anticipated by response to receiving from a first endpoint an offer of a communication between the first and a second endpoint plus attributes of the communication desired by the first endpoint, the manager sends the offer to the second endpoint. In response to receiving from the second endpoint an acceptance of the offer plus attributes of the communication desired by the second endpoint, the manager determines any resource that is required to bridge any differences between the attributes of the offer and the attributes of the acceptance and to effect the communication. The manager then marshals any determined resource for the communication, and sends either to the first endpoint or to the second endpoint instructions for that endpoint to set up the communication between the endpoints on the medium through any marshaled resource as spoken of on Column 2, lines 39-44.

Regarding claim 2, 9 and 12, "each negotiator unit (Ni) (is anticipated by Figure 1, element 10 and 11) is in communication firstly with the various resources (Ri) (is anticipated by Figure 1, element 19 and

20) and service providers in the domain (Di) (is anticipated Figure 1, Zone 8 and Zone 9) under consideration, whether connected directly or indirectly to said network or forming portions thereof; and secondly with the negotiator units (N1 to Ni - 1 and Ni + 1 to NM) (is anticipated by Figure 1, element 11) of the other domains (D1 to Di and Di + 1 to DM) (is anticipated by Figure 1, Zone 9), each negotiator unit (Ni) evaluating, selecting, and reserving, after reaching an agreement, the resources (Ri) and/or services available in the domain (Di) which is associated therewith and making it possible to contribute in optimal manner to setting up the intended call" is anticipated by Ports (Figure 1, element 27 and 28) of resources (Figure 1, element 20 and 23), respectively, interface and interconnect networks (Figure 1, element 12 and 13), respectively, with network (Figure 1, element 18). Servers (Figure 1, element 10 and 11) provide communications services, such as media managers (Figure 1, element 21 and 24), respectively, for communications media (such as audio, video, distributed data, and shared data). Both endpoints (Figure 1, element 14-17) and servers (Figure 1, element 10-11) are stored-program-controlled devices that conventionally include interfaces to the external world, memory for storing control programs, and processors for executing the stored control programs and for controlling the interfaces as spoken of on Column 3, lines 34-44.

Regarding claim 3, "in sending said set of requested services and/or characteristics to the negotiator unit (Ni) (is anticipated by Figure 1, element 10 and 11) "of each domain (Di) (is anticipated Figure 1, Zone 8 and Zone 9) situated along the or any possible transmission path for the call to be set up, or having at least one resource (Ri) (is anticipated by Figure 1, element 19 and 20) which might be involved in said call; in determining via said negotiator units (Ni) (is anticipated by Figure 1, element 10 and 11) and in each of the above-specified domains, which resources (Ri) (is anticipated by Figure 1, element 19 and 20) are available and suitable for contributing to setting up and implementing said call in full or partial compliance with the requested set of services and/or characteristics; in collecting and evaluating the information supplied by the addressed negotiator units (Ni) (is anticipated by Figure 1, element 10 and 11); and in setting up the call as function of the results of said evaluation and after reserving suitable resources (Ri) (is anticipated by Figure 1, element 19 and 20) in the domains (Di) (is anticipated Figure 1, Zone 8 and Zone 9) concerned" is anticipated by a telecommunications system (8) that comprises communications endpoints(14-15), communications resources (18-20), a communications server (10) that includes a media manager (21), and a network (12) that interconnects them all, a first endpoint (14) provides the media manager with an offer of a connection to a second endpoint (15) that specifies attributes desired for the connection

by the first endpoint. The media manager registers the request and forwards it to the second endpoint. When the second endpoint responds with an acceptance of the connection that specifies attributes desired for the connection by the second endpoint, the media manager compares the registered offer with the received acceptance to determine any resources that are needed to bridge any differences between their attributes and to effect the connection. The media manager then marshals any needed resources for the connection, sends a modified acceptance to any marshaled resource telling it the address of the second endpoint to connect to, sends a modified acceptance to the first endpoint that tells it the address of any marshaled resource, or of the second endpoint in the absence of any marshaled resource, to connect to, and leaves it up to the endpoints and marshaled resources to interact with the network to effect the connection through the network. The media manager can therefore provide centralized call control for substantially any network, and can treat all networks generically and leave it up to the endpoints to deal with the particulars of any specific network. Communications between multiple such telecommunications systems (8 and 9) can also be effected thereby as spoken of in the ABSTRACT.

Regarding claim 4, "the set of services and/or characteristics requested for the call is set by the user (U1) (is anticipated by element 14)

that initiates the call, and in that the call setup request and the requests associated therewith are sent to the negotiator unit (Ni) (is anticipated by Figure 1, element 10 and 11) of the domain (Di) (is anticipated Figure 1, Zone 8 and Zone 9) in which the user issues the call request and the associated requests, which unit analyzes them and forwards them to the negotiator units (Ni) (is anticipated Figure 1, Zone 8 and Zone 9) that might become involved" is anticipated by a telecommunications system (8) that comprises communications endpoints (14-15), communications resources (18-20), a communications server (10) that includes a media manager (21), and a network (12) that interconnects them all, a first endpoint (14) provides the media manager with an offer of a connection to a second endpoint (15) that specifies attributes desired for the connection by the first endpoint. The media manager registers the request and forwards it to the second endpoint as spoken of in ABSTRACT.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 5, 6, 8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al. (U.S. 5,802,058) in view of Kalmanek, Jr. et al. (U.S. 6,483,912) and in further view of Gautier (WO 00/11850)

Regarding claim 5 and 10, Harris et al. teaches all the limitation of claim 1, Harris does not teach "the resources (Ri) available in the various domains (Di) are selected from the group formed by: transmission network resources; computation and data processing resource; connection resources; communications protocol resources; data and information playback resources; database resources or analogous information storage resources; interfacing resources; and other resources (Ri) depending on each of the negotiator units (Ni) under consideration" Kalmanek, Jr. teaches Network resources are "reserved" in the sense that the network resources required for a particular call can be identified before the called party is actually connected to the calling party. These network resources can be reserved through the appropriate signal messages collectively referred to herein as a "reservation request". After the appropriate network resources have been reserved based on the reservation request, these network resources are committed when the called party indicates acceptance for the call. By committing the network resources only when the called party indicates acceptance for the call as spoken of on column 8, lines 51-62. At the time of the invention, it would have been obvious to

someone of ordinary skill in the art given these references, where the client endpoint make their requests and acceptances to the call-control server for communications connections having desired attributes of Harris et al. and reserve Network resources as in Kalmanek, Jr. One of ordinary skill in the art would be motivated for doing so to reserving and committing network resources based on an authorized quality of service as spoken of on column 1, lines 24-25 of Kalmanek, Jr. et al. reference.

Regarding claim 6 and 11, Harris et al. teaches all the limitation of claim 1, Harris does not teach "the characteristics of the call to be set up are selected from the group formed by the destination (U2), the nature and the quality of the call, the duration of the call, the time at which the call is to be set up if it is to be set in deferred time, the maximum cost per unit time, or the like" Kalmanek, Jr. et al. teaches the network edge devices that can ensure enhanced quality of service for a call of a particular party has been authorized and for which usage accounting is being done. Network edge devices can generate accounting records for calls because these devices track the resource usage within the communication network 100 for the calls. Network edge devices can also implement Network Address Translation to support address privacy for called parties and/or calling parties as spoken of on column 5, lines 17-25. At the time of the invention, it would have been obvious to someone of ordinary skill in the

art given these references to use desired quality of service attributes of Harris et al. and use Network resources as in Kalmanek, Jr. One of ordinary skill in the art would be motivated for doing so would be to reserving and committing network resources based on an authorized quality of service as spoken of on column 1, lines 24-25 of Kalmanek, Jr. et al. reference.

Regarding claim 8 and 11, Harris et al. teaches all the limitation of claim 1, Harris does not teach "if the negotiator unit (Ni) of the domain in which or via which the user (U1) that issued the call setup request is connected to the network is not in a position to satisfy adequately the services and/or characteristics requested by said user (U1), then it submits to said user, for selection and agreement, one or more call setup options approximately satisfying the set of services and/or characteristics as initially requested, with this optionally taking place prior to reserving the resources (Ri) concerned or prior to confirming such reservation with the negotiator units (Ni) of the resources (Ri) or services concerned" Kalmanek, Jr. et al. teaches Network resources are "reserved" in the sense that the network resources required for a particular call can be identified before the called party is actually connected to the calling party. These network resources can be reserved through the appropriate signal messages collectively referred to herein as a "reservation request". After

the appropriate network resources have been reserved based on the reservation request, these network resources are committed when the called party indicates acceptance for the call. By committing the network resources only when the called party indicates acceptance for the call, the accounting for the call can, for example, accurately track the time of the actual call while excluding the time of the call setup as spoken of on column 8, lines 51-62. At the time of the invention, it would have been obvious to someone of ordinary skill in the art given this reference to use signal messages to reserve network resource before acceptance of the call setup as in Kalmanek, Jr. et al. One of ordinary skill in the art would be motivated for doing so to reserving and committing network resources based on an authorized quality of service as spoken of on column 1, lines 24-25 of Kalmanek, Jr. et al. reference.

5. Claim 7, is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al. (U.S. 5,802,058) in view of Gautier (WO 00/11850)

Regarding claim 7, Harris et al. teaches all the limitation of claim 1, Harris does not teach "it consists in weighting the various parameters making up the set of requested services and/or characteristics in terms of importance or of Preference" Gautier teaches optimization constraints dependent on the characteristics of the client device. The items are ordered in a manner corresponding to some set of client characteristics;

one of these items is selected as the content to be delivered when the content is requested. The characteristics may be performance characteristics of the client or communication channel, or other attributes of the client as spoken of on page 2, lines 30-33 and page 3, lines 1-2. At the time of the invention, it would have been obvious to someone of ordinary skill in the art given these references to use optimization constraints to select appropriate content as thought by Gautier. One of ordinary skill in the art would be motivated for doing so to reserving and committing network resources based on an authorized quality of service as spoken of on column 1, lines 24-25 of Kalmanek, Jr. et al. reference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deepak Soni whose telephone number is 571-272-2816. The examiner can normally be reached on 9:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Deepak Soni
Examiner
Art Unit 2668

DS

FRANK DUONG
PRIMARY EXAMINER